



## Child Protection Law Enforcement Perspective

Sheriff Chris Kirk  
Brazos County, Texas



## Partners in Protection

Law Enforcement  
Child Protective Services  
1st Responders & Medical  
Prosecution

\*Multi-Disciplinary Team/CAC Model





## Role of Law Enforcement in Child Protection

- Duty to respond to any Breach of the Peace & Dignity of the State
- Crisis Response, Intervention and Protection
- Investigation of Criminal Activity
- Justice for the State & Consequences for the Perpetrator



## Protection through Rule of Law

- CPS - Civil Law
  - Decided on the Preponderance of evidence
  - Reason to Believe
- LE- Criminal Law
  - Proven on Evidence Beyond Reasonable Doubt
  - Guilty





## Texas State Statutes

### Relevant to Law Enforcement

- Family Code
- Penal Code
- Code of Criminal Procedure
- Human Resources Code



## Family Code Law Enforcement Relevant Statutes

Chapter Section	Name	Chapter Section	Name
FC 32.001(a)(8) and FC 32.002	Consent by Peace Officer (for Medical Attention of a Child)	FC 262.004	Accepting Voluntary Delivery of Possession of a Child
FC 32.005	Examination Without Consent of Abuse or Neglect of Child [by a physician, dentist, or psychologist]	FC 2.501	Each Spouse has the Duty to Support the Other Spouse
		FC 151.003	Rights and Duties of Parent
FC 85.026	Warning on Protective Order	FC 153.073	Rights of Parent at All Times
FC 86.001	Adoption of Procedures by Law Enforcement Agency	FC 153.074	Rights and Duties During Period of Possession
FC 86.002	Duty to Provide Information to Firearms Dealers	FC 153.076	Parents' Duty to Provide Information
FC 86.003	Law Enforcement Assistance Under Temporary Order	FC 261.002	Central Registry
FC 86.004	Law Enforcement Assistance Under Final Order	FC 261.301	Investigation of Report (Civil)
FC 86.005	Protective Order From Another Jurisdiction	FC 261.302	Conduct of Investigation. (Civil)
FC 262.003	Civil liability [in circumstances for temporary possession of a child during an emergency]	FC 261.305	Access to Mental Health Records





## Penal Code

### Law Enforcement Relevant Statutes

Chapter/Section	Name	Chapter/Section	Name
PC 9.61	Parent - Child (use of force)	PC 25.02	Prohibited Sexual Conduct
PC 9.62	Educator - Student (use of force)	PC 25.03	Interference with Child Custody
PC 20.0	Definitions (of abduction )	PC 25.031	Agreement to Abduct from Custody
PC 20.02	Unlawful Restraint	PC 25.04	Enticing a Child
PC 20.03	Kidnapping	PC 25.06	Harboring a Runaway Child
PC 21.11	Indecency with a Child	PC 25.07	Violation of Protective Order or Magistrate's Order
PC 22.011	Sexual Assault	PC 25.08	Sale or Purchase of a Child
PC 22.021	Aggravated Sexual Assault	PC 43.05	Compelling Prostitution
PC 22.04	Injury to a Child, Elderly Individual, or Disabled Individual	PC 43.25	Sexual Performance by a Child
PC 22.041	Abandoning or Endangering a Child	PC 43.251	Employment Harmful to a Child
PC 22.10	Leaving a Child in a Vehicle		



## Code of Criminal Procedure

### Law Enforcement Relevant Statutes

Chapter/Section	Name	Chapter/Section	Name
CCP 2.13	Duties and Powers	CCP 17.41	Condition Where Child Alleged Victim (concerning bail)
CCP 5.01	Legislative Statement	CCP 18.021	Issuance of Search Warrant to Photograph Injured Child
CCP 5.04	Duties of Peace Officers.	CCP 38.07	Testimony in Corroboration of Victim of Sexual Offense
CCP 5.045	Standby Assistance; Liability.	CCP 38.071	Testimony of Child Who is Victim of Offense
CCP 5.05	Reports and Records.	CCP 38.072	Hearsay Statement of Child Abuse Victim
CCP 6.05	Duties of Peace Officers as to Threats	CCP 38.11	Husband or Wife as Witness
CCP 6.06	Peace Officers to Prevent Injury	CCP 57.02	Confidentiality of Files and Records (of a sex offense victim).
CCP 12.01(1) (D)	Felonies (statute of limitations on indecency with a child and sexual assault)	CCP 57.03	Offense (for releasing information about a victim of a sex offense).
CCP 14.03	Authority of Peace Officers(to arrest without warrant)		



## Act or Omission Culpable Mental State

- Criminal Negligence
- Intentionally
- Knowingly
- Recklessly



## Statute of Limitations

*Code of Criminal Procedures*

### No Limitations

- Aggravate Sexual Assault (PC 22.021)
- Continuous Sexual Abuse of a young child (PC 21.02)
- Indecency with a child (PC 21.11)

20 years from 18 Birthday of Victim

- Sexual Performance by a child under (PC 43.25)





## Joint Investigation Case Referral

*Family Code*

- Law Enforcement to CPS
  - Hot-line
  - On-line
  - Personal Contact\*
- CPS to Law Enforcement
  - e-Mail notification (fax)
  - Personal Contact\*
  - \* local relationships developed
- through the Multi-disciplinary Team



## Basic Components of an Investigation

- Out-cry Witness
- Victim Statement (Forensic Interview)
- Corroborating Witness Statements
- Statement of the Accused
- Scene Photographs / Video
- Physical Evidence / DNA Evidence
- Forensic Medical Exam / MD or SANE
- Officer's Report

*audio/video record  
prosecutor can feed questions*





## Rules of Evidence

### Law Enforcement Duty

- Identification & Lawful Collection of evidence
- Maintain Evidentiary Integrity
- Present evidence at trial



## Drug Endangered Child

Human Resources Code Chapter 40.071

Drug Endangered Child Initiative

Local MOU's to establish DEC teams aimed at protecting children who are exposed to heroin, cocaine or any of its forms, or to meth or to chemicals and other hazardous materials used in the illicit manufacture of methamphetamine.

Protocols: CPS, LE, Medical, Prosecutor, Pyschosocial







## Law Enforcement Training

- Intermediate Core Course - TCOLE #2105  
Child Abuse
- Special Investigative Topics - TCOLE #3232  
Child Abuse & Neglect



## Child Advocacy Center Model

### Best Practice

- Forensic Services
- Multi Disciplinary Team
- Therapeutic Services

Interpersonal Relationships with all team members is critical to success







## Law Enforcement Concern

### 1st Responder Protocols for Protection

Medical Emergencies don't often have LE response.

**Scenario:** Emergency call - child not breathing, for 1st responders critical care for the child top priority; emergency treatment and leave scene to transport child to the hospital. On examination and treatment it is determined that the child has injuries related to abuse. Now access to the scene questionable, potential loss of evidence and opportunity to interview witnesses is compromised.

**Protocol:** Any suspicion should lead to contacting law enforcement, immediately.



## Challenges for CPS & LE

- Rural Texas-Lack of available resources
  - Isolated from services
  - Limited Officers and Case Workers
- Staff Turn-over
  - Entry Level Position – Career Choices
  - Burn Out
- Case Loads
  - Stress of Traumatic Cases
  - Number of Cases

